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15 UNITED STATES DISTRICT COURT

16 Eastern District of Washington

17 RICCI PARK,

18 Plaintiff

19 v.

20 BNSF RAILWAY COMPANY, a Delaware
21 corporation,

22 Defendant

23 Case No.

24 COMPLAINT
25 FEDERAL EMPLOYERS LIABILITY ACT
26 (45 USC §51)

DEMAND FOR JURY TRIAL

18 Plaintiff alleges:

19 1.

20 This court has jurisdiction over this action under 45 USC § 56, 29 USC § 1331, and 28
21 USC § 1367 for her claims.

22 2.

23 At all material times, Defendant (hereinafter "BNSF") was a Delaware corporation doing
24 business in Washington.

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26 COMPLAINT - PAGE 1

1 3.

2 At all material times Plaintiff was an employed by Defendant as a control operator in
3 interstate commerce.

4 4.

5 On October 11, 2020 plaintiff was working as a control operator for Defendant near
6 Pasco, Washington when an office chair Plaintiff was required to use by Defendant collapsed
7 beneath her, causing Plaintiff to strike her head on the floor and sustain a brain injury.

8 5.

9 Plaintiff's injuries were due in whole or in part to the acts and omissions of BNSF, which
10 were negligent in one or more of the following particulars:

- 11 a. Defendant required Plaintiff to use a chair that was not in good repair and safe
12 working condition;
- 13 b. Defendant failed to warn Plaintiff of the danger posed by the office chair it
14 required Plaintiff to use;
- 15 c. Defendant failed to maintain its office equipment, including chairs for employees,
16 in good repair and safe working condition; and
- 17 d. Defendant failed to replace the unsafe office chair it required Plaintiff to use.

18 6.

19 As a result of the negligence of BNSF, Plaintiff has suffered a permanent brain injury,
20 pain, sadness, and worry, all to her non-economic damage in the amount of \$3,000,000. As a
21 further result of BNSF's negligence, plaintiff has lost wages in the approximate amount of
22 \$65,000, will continue to suffer lost wages and benefits in an amount to be proven at trial but is
23 presently estimated at \$975,000, and will suffer losses to her railroad retirement annuity
24 estimated at \$300,000. Plaintiff has incurred reasonable and necessary medical expenses of
25 \$40,000, and will continue to incur medical expenses of approximately \$15,000 per year for an
26 approximate total of \$285,000.

1 WHEREFORE, Plaintiff prays for judgment against Defendant for economic damages in
2 the amount of \$1,665,000, for her non-economic damages of \$3,000,000, and for her costs and
3 disbursements incurred herein and for such other relief as the Court may deem equitable and just.

4 Dated this 9th day of December, 2021.

5 ROSE, SENDER & BOVARNICK, LLC
6

7 By: s/ Paul S. Bovarnick
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10 AND
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